

STATE OF NEW YORK : DEPARTMENT OF HEALTH

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IN THE MATTER

OF

RICHARD F. DAINES, M.D., as Commissioner of  
Health of the State of New York, to determine the action to be  
taken with respect to:

VNS Ithaca and Tompkins County, Inc.  
138 Cecil A. Malone Drive  
Ithaca, NY 14850

Respondent,

STIPULATION

AND

ORDER

arising out of alleged violations of Article 36 of the Public Health Law  
of the State of New York and Title 10 (Health) of the Official  
Compilation of Codes, Rules and Regulations of the State of New York  
(NYCRR).

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HHC-10-04

WHEREAS, the New York State Department of Health (the "Department") has  
conducted surveys and inspections of VNS Ithaca and Tompkins County, Inc. and has found  
alleged violations of Article 36 of the Public Health Law and Title 10 (Health) of the Official  
Compilation of Codes, Rules and Regulations of the State of New York (10 NYCRR); and

WHEREAS, the Department issued Statements of Deficiencies to VNS Ithaca and  
Tompkins County, Inc. on January 24, 2007 and December 19, 2007, in response to surveys  
completed by the Department on those dates; and

WHEREAS, the parties wish to resolve this matter by means of a settlement instead of an  
adversarial administrative hearing.

NOW, THEREFORE, IT IS STIPULATED AND AGREED AS FOLLOWS:

1. The matter relating to alleged violations of Article 36 of the Public Health Law

and 10 NYCRR, as set forth in the Statements of Deficiencies, dated January 24, 2007 and December 19, 2007, is settled and discontinued with prejudice upon the terms and conditions set forth in this Stipulation and Order.

2. Solely for the purpose of resolving the instant administrative matter, VNS Ithaca and Tompkins County, Inc. ("Respondent") admits as a matter of fact and law the existence of evidence of violations of 10 NYCRR Sections 763.2(a) (Patient's Rights); 763.4(h) (Policies and Procedures of Service Delivery); 763.6(b) (Patient Assessment and Plan of Care); 763.6(e) (Patient Assessment and Plan of Care); 763.7(a) (Clinical record); 763.11(a) (Governing Authority); and 763.11(b) (Governing Authority). The foregoing admission is not intended for use in any other forum, tribunal or court, including any Medicare or Medicaid enforcement proceeding and including any civil or criminal proceeding in which the issues or burden of proof may differ. Any such admission is without prejudice to the Respondent's rights, defenses and claims in any other matter, proceeding, action, hearing or litigation not involving the Department. It is agreed that the foregoing admission is not intended to be dispositive of any allegations of medical malpractice that may be made in a civil action for monetary damages.

3. Pursuant to Sections 12 and 206 of the Public Health Law, the Respondent shall be liable for a civil penalty of Ten Thousand Dollars (\$10,000.00). The Respondent shall pay this amount by a payment of making consecutive monthly installment payments of one hundred sixty six dollars and sixty-six cents (\$166.66) until the balance is paid in full. The Respondent shall make the first \$166.66 monthly installment payment within thirty (30) days of the effective date of this Stipulation and Order.

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AGREED AND SO ORDERED:

DATED: Albany, New York  
9/11, 2010

NEW YORK STATE DEPARTMENT OF HEALTH

BY:

  
RICHARD F. DAINES, M.D.

Commissioner of Health

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